SINGLE BENCH

(4)

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [S] NO. 1609 /2006

PETITIONERS :- 1] Gaj Ratan Bandhe, aged about 50 years, S/o Tubhu Satnami.

Pouran Lal, aged 51 years,

Both Panch GRam Panchayat Khairghat, Block- Simga, District Raipur [C.G.].

P.R. No. 6958/06 Dated 1-12-06 Presented by Adv. P. Das

VERSUS

RESPONDENTS :- 1] State of Chhattisgarh, Through- Secretary, Panchayat & Rural Development, D.K.S Building, Raipur [C.G.].

2] Chief Executive Officer, Block Simga, District Raipur [C.G.]

3] Mrs. Bhagmati, aged about 55 years. Sarpanch, Gram Panchayat Khairghat, Block Simga, District Raipur [C.G.].

4] Shoukhi Lal Dhritlahre, Panchayat Karmi/Panchayat Secretary, Gram Panchayat- Khairghat, Block Simga, District Raipur [C.G.].

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WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

(44)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.7604 OF 2006

Petitioners : Gaj Ratan Bandhe and another

versus

Respondents : State of Chhattisgarh and others

Present : Ms. Pushpa Dwivedi, counsel for the petitioners.
Mrs. Anju Ahuja, Deputy Government Advocate for the State/respondent No.1.

ORDER
(Passed on 10th Day of January, 2007)

The petitioners herein are members (Panchas) of the Gram Panchayat Khairghat, Block Simga, District Raipur. The petitioners have challenged the appointment of respondent No.4 as Panchayat Karmi. Respondent No.4 was appointed by a resolution passed by the Gram Panchayat Khairghat, Block Simga, District Raipur. The resolution was passed by 11 votes against 2 votes cast by the present petitioners. The appointment of respondent No.4 is otherwise in accordance with law and passed by majority of members of the Gram Panchayat present and voted. After having failed in the Gram Panchayat proceedings, the petitioners have filed this petition seeking quashing of the appointment of respondent No.4 on several grounds.

(45)

2. Prior to this petition, the petitioners had filed a writ petition, being Writ Petition No.2845 of 2006, seeking for the same relief. Writ Petition No.2845 of 2006 was dismissed as withdrawn by the order dated 19-6-2006 (Annexure P-7).

3. The petitioners, who are Panchas of the Gram Panchayat, have no right to seek quashing of the appointment of respondent No.4 when they were in minority in the resolution passed by majority appointing respondent No.4 as Panchayat Karmi.

4. The petitioners have no legal or any other right, which can be enforced by the High Court in exercise of its jurisdiction under Article 226 of the Constitution of India. The petition is cryptic and does not disclose any cause of action as to call for indulgence of this Court.

5. Thus, the petition is dismissed summarily on the ground of maintainability, without going into the merits of the case. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Gopal